

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARJORIE FRIEDMAN SCHERR,

Plaintiff,

-vs-

**MARRIOTT INTERNATIONAL, INC.,
and DOES 1 through 10, inclusive**

Defendant.

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Case No.

Judge:

Magistrate:

FILED

APRIL 14, 2008

08CV2098

JUDGE KENNELLY

MAGISTRATE JUDGE MASON

YM

NOTICE OF REMOVAL

Pursuant to *Title 28 U.S.C. §1441, et seq.*, and *28 U.S.C. §1332*, Defendant, **MARRIOTT INTERNATIONAL, INC.**, by and through one of its attorneys, ROBERT M. BURKE of JOHNSON & BELL, LTD., hereby gives notice of the removal of the above captioned action from the Circuit Court of Cook County, Cause No. 08 L 62013, to the United States District Court, Northern District of Illinois, Eastern Division, and in support thereof, states the following:

1. On or about March 17, 2008, Plaintiff, Marjorie Friedman Scherr, initiated the above captioned lawsuit by the filing of a Complaint entitled Marjorie Friedman Scherr v. Marriott International, Inc., and Does 1 through 10, docket No. 08 L 62013 in the Circuit Court of Cook County, Illinois. A copy of the initial Complaint at Law is attached hereto, labeled Exhibit "A", and incorporated herein by reference.

2. On or about March 17, 2008, Plaintiff caused a Summons to be issued for service upon the registered agent of Marriott International, Inc. A copy of said Summons is attached hereto, labeled Exhibit "B", and incorporated herein by reference.

3. Service was obtained on Marriott International, Inc.'s registered agent on March 26, 2008.

4. The United States District Court for the Northern District of Illinois, Eastern Division, has jurisdiction over the above described action pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 for the following reasons:

- (a) Marjorie Friedman Scherr, at the time the lawsuit was commenced and at all relevant times, has been a resident and citizen of the State of Illinois as alleged in paragraph 2 of Plaintiff's Complaint;
- (b) The Defendant, Marriott International, Inc., at all relevant times, has been a Delaware corporation with its principal place of business in Bethesda, Maryland; therefore, for diversity of citizenship purposes, it is a citizen of the States of Delaware and Maryland;
- (c) According to the allegations contained in the Complaint filed by the Plaintiff herein, the amount of damages sought in this action is in excess of \$100,000.00. Moreover, Plaintiff has alleged that she sustained various injuries including an open and compound fracture to the radius and ulna of her right forearm, which required two (2) separate surgeries and a lifetime risk of devastating and deteriorating health, all of which have resulted in permanent disabilities;
- (d) Based upon the foregoing, it is Defendant's good faith belief that the amount in controversy in this action exceeds \$75,000.00 exclusive of interest and costs;
- (e) While Plaintiff has named some "John Doe" Defendants, this does not defeat the named defendant's right to remove a diversity case if its citizenship is diverse from that of all plaintiffs. *Howell v. Tribune Entertainment Company*, 106 F.3d 215,218 (7th Cir. 1997);
- (f) This Notice of Removal is being filed with the Clerk of the United States District Court for the Northern District, Eastern Division, within thirty (30) days of service of the Summons and Complaint on this Defendant;
- (g) This action, based upon diversity of citizenship and the amount in controversy is, therefore, properly removable, pursuant to 28 U.S.C. §1441(a).

5. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, MARRIOTT INTERNATIONAL, INC., respectfully requests that this case proceed before this Court as an action properly removed.

Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/Robert M. Burke
Robert M. Burke, One of the
Attorneys for Marriott
International, Inc.

ROBERT M. BURKE
JOHNSON & BELL, LTD.,
33 West Monroe Street, #2700
Chicago, Illinois 60603
Telephone: (312) 0770
Attorney No. 06347

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARJORIE FRIEDMAN SCHERR,)	FILED	
)	APRIL 14, 2008	YM
Plaintiff,)	08CV2098	
)		
-vs-)	Case No. JUDGE KENNELLY	
)	MAGISTRATE JUDGE MASON	
MARRIOTT INTERNATIONAL, INC.,)	Judge:	
and DOES 1 through 10 , inclusive)		
)	Magistrate:	
Defendant.)		

NOTICE OF FILING NOTICE OF REMOVAL

TO: See attached Service List

PLEASE TAKE NOTICE that a Notice of Removal of this action was filed with the United States District Court for the Northern District of Illinois, Eastern Division, as Case No. _____ on April 14, 2008. A copy of the Notice of Removal has also been filed with the Clerk of the Circuit Court of Cook County, Law Division on April 14, 2008. A copy of the Notice of Removal is attached hereto.

Respectfully submitted,

JOHNSON & BELL, LTD.,

By: /s/Robert M. Burke
Robert M. Burke, One of the
Attorneys for Marriott
International, Inc.

ROBERT M. BURKE
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33 West Monroe Street, Suite 2700
Chicago, Illinois 60603
Telephone: (312) 0770
Attorney No. 06347

CERTIFICATE OF SERVICE

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

The undersigned, a non-attorney, certifies that she served a copy of the above and foregoing NOTICE OF FILING NOTICE OF REMOVAL to all attorneys of record, by depositing a copy of same in the United States Mail, first class postage prepaid, this 14th day of April, 2008.

/s/Lisa A. Morrison

I certify that the statements set forth herein are true and correct.

JOHNSON & BELL, LTD.
33 West Monroe Street
Suite 2700
Chicago, Illinois 60603
(312) 372-0770

SERVICE LIST

Plaintiff - Local:

Jeremy L. Friedman
2801 Sylhowe Road
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Julie Friedman Ehrlich
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Telephone: (847) 414-8615

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MARJORIE FRIEDMAN SCHERR,

Plaintiff,

-VS-

MARRIOTT INTERNATIONAL, INC.,
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Defendant.

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Case No. JUDGE KENNELLY

Judge: MAGISTRATE JUDGE MASON

Magistrate:

YM

JURY DEMAND

Defendant, **MARRIOTT INTERNATIONAL, INC.**, and hereby demands a trial by jury.

DATED: April 15, 2007.

JOHNSON & BELL, LTD.

By: /s/Robert M. Burke
Robert M. Burke, attorney for Defendant
Marriott International, Inc.

Robert M. Burke
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